

REMARKS

Claims 1, 3, 5, 8 through 12, 16, 18, 20, 22, 26, 27, 30 through 32, 34, and 40 through 41 are pending in this Application. Claims 2, 4, 6, 13 through 15, 17, 19, 21, 23 through 25, 28, 29, 33, 35, 37 through 39, and 42 through 46 have been cancelled without prejudice or disclaimer, and claims 1, 3, 5, 8 through 12, 16, 18, 20, 22, 30 through 32, 34, and 40 through 41. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, FIGs. 2 through 4, ¶¶ [0034], [0036], [0039], [0040] through [0042], [0056], [0061], and [0062] of the corresponding US Pub. No. 2004/0044647. Applicant submits that the present Amendment does not generate any new matter issue.

Telephone Interview of December 9, 2009.

Applicant expresses appreciation for the Examiner's courtesy in granting and conducting a telephonic interview on December 9, 2009. During the interview, the Examiner indicated that the present claim amendments appeared to overcome the rejections of record. It is with that understanding that the present Amendment is submitted.

Claims 1, 2, 4, 6, 8, 9, 11 through 17, 19, 21, 23 through 26, 28 through 31, 33, 35, 37, 38, 40, and 42 through 46 were rejected for obviousness under 35 U.S.C. §103(a) based on *Sato et al.* (US 7,167,898, "*Sato*") in view of *Hackbarth et al.* (US 7,107,312, "*Hackbarth*")

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Sato*'s collaboration system by including *Hackbarth*'s step of detecting user present activity, such as log-on or log-off, telephone on-hook or off-hook, to

provide a complete information on the history of prior conference participation of each of the participants at multiple levels of granularity. Applicant respectfully traverses this rejection.

Independent claims 1 and 31 recite, *inter alia*: “defining, at the personal communications device, communication actions associated with **one or more communication methods**, sending from the personal communications device notifications in response to the at least one communication action, to each of target devices that constitutes a member of said identified communication group **except the far-end party**, wherein said notifications are distinct from said at least one communication action, said notifications comprise activity-based presence information of said far-end party, and **said activity-based presence information indicating reachability of the far-end party through at least the one or more communication methods.**”

Independent claim 16 recites, *inter alia*: “associating, at a personal communications device, at least one profile with at least one **online action to be independently performed by one or more members of a communication group without interaction thereamong the members**, sending notifications in response to said at least one online action from the personal communications device to each of target devices constitutes a member of said communication group, wherein said notifications are distinct from said at least one online action, said notifications comprise action-based presence information of the personal communications device, and **said action-based presence information indicating an active status of the personal communications device in conducting the at least one online action.**”

These features, which are neither disclosed nor suggested by any of *Sato* and *Hackbarth*, as acknowledged by the Examiner during the telephonic interview, undermine the imposed rejection for obviousness under 35 U.S.C. §103(a).

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 1, 2, 4, 6, 8, 9, 11 through 17, 19, 21, 23 through 26, 28 through 31, 33, 35, 37, 38, 40, and 42 through 46 under 35 U.S.C. § 103(a) for obviousness based on *Sato* in view of *Hackbarth* is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 3, 5, 18, 20, 27, 32, and 34 were rejected for obviousness under 35 U.S.C. §103(a) based on *Sato* in view of *Hackbarth* and *Toth et al.* (US 6,640,241, “*Toth*”).

This rejection is traversed.

Specifically, claims 3 and 5 depend from independent claim 1, claims 32 and 34 depend from independent claim 16, and claims 18, 20, and 27 depend from independent claim 31. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1, 16 and 31 under 35 U.S.C. § 103(a) for obviousness based on the combined disclosures of *Sato* and *Hackbarth*. The tertiary reference to *Toth* does not cure the previously argued deficiencies in the attempted combination of *Sato* and *Hackbarth*. Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicant, therefore, submits that the imposed rejection of claims 3, 5, 18, 20, 27, 32, and 34 under 35 U.S.C. § 103(a) for obviousness predicated upon *Sato* in view of *Hackbarth* and *Toth* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claims 10, 22, 39, and 41 were rejected for obviousness under 35 U.S.C. §103(a) based on *Sato* in view of *Hackbarth* and *Toth et al.* (US 2005/0053068, “*Toth*”).

This rejection is traversed.

Specifically, claim 39 has been cancelled without prejudice or disclaimer. Claims 10 depends from independent claim 1, claim 22 depends from independent claim 16, and claim 41 depends from independent claim 31. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1, 16 and 31 under 35 U.S.C. § 103(a) for obviousness based on the combined disclosures of *Sato* and *Hackbarth*. The tertiary reference to *Toth* does not cure the previously argued deficiencies in the attempted combination of *Sato* and *Hackbarth*. Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp., supra*. Applicant, therefore, submits that the imposed rejection of claims 10, 22, 39, and 41 under 35 U.S.C. § 103(a) for obviousness predicated upon *Sato* in view of *Hackbarth* and *Toth* is not factually or legally viable and, hence, solicits withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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